

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES SHIVE,

Plaintiff,

v.

CV 15-406 JB/WPL

AMAZON.COM INC.; EBAY, INC.;
JOHN LAVECCHIA; J&C BASEBALL
CLUBHOUSE, INC.; SEARS HOLDING
CORPORATION; UNBEATABLE
SALE.COM INC.; and WAL-MART STORES, INC.;

Defendants.

**ORDER GRANTING MOTION TO CONTINUE AND
RESETTING SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The conference will be held on **May 3, 2016, at 9:00 a.m.** in the **Hondo Courtroom of the Pete V. Domenici United States Courthouse, 333 Lomas Blvd. N.W., Albuquerque, New Mexico.**

The parties or a designated representative, other than counsel of record, with full authority to make a final settlement decision, must attend in person. Counsel who will try the case must attend in person. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

No later than **April 26, 2016**, plaintiff shall serve on defense counsel a letter that contains a settlement demand. No later than **April 28, 2016**, defense counsel shall serve on plaintiff a letter that sets forth a counteroffer.

Defense counsel shall provide copies of these letters to my chambers no later than **April 28, 2016, at 5:00 p.m.** Each party must provide me, in confidence, a concise letter that shall contain an analysis of the strengths and weaknesses of its case by **April 28, 2016, at 5:00 p.m.** These letters may be sent to me by facsimile transmission at **505-348-2305**.

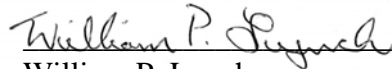
Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must send me a copy of the recording by **April 26, 2016**.

The settlement conference may not be vacated or rescheduled except upon motion by the party or parties seeking to reschedule for good cause shown. Any motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

The Clerk is directed to serve a copy of this Order and Document 51 on:

J & C Baseball Clubhouse, Inc.
c/o Christopher Rotundo
206 Smokerise Lane
Toms River, NJ 08755

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge